THE CANADIAN VIEW

OF THE

ALASKAN BOUNDARY DISPUTE

AS STATED BY

HON. DAVID MILLS

MINISTER OF JUSTICE

In an interview with the correspondent of the Chicago Tribune on the 14th August, 1899.

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You ask me to state to you the Canadian view of the Alaskan boundary dispute. I shall not in endeavouring to meet your wishes, claim to do more than express my own view upon the subject.

I may say to you that already correspondents connected with two New York journals made a similar request a short time ago, but it was during the midst of the session when I had but a few moments at my disposal, and in my conversation with them, I could do no more than outline my opinion upon the subject and point out in what respect, we, on this side of the border, dissented from the contention of the United States. I notice that the brief statement of my opinions were not very favourably received, or very carefully considered by some of your citizens. In discussing the speech

made in the House of Commons by the leader of the Conservative party (Sir Charles Tupper), it was stated by some Washington correspondents of the New York and Philadelphia press, that it was very hard to explain his misinformation, and that I seemed to be still more ignorant than Sir Charles Tupper. The natural inference from this kind of criticism is that every opinion at variance with the contentions which have been put forward in your country, and which for the most part meets with favour in your press, is quite undeserving of serious consideration. The impression made upon my mind is that vehement assertions and frequent repetitions, are to supersede careful investigation of the facts and the legitimate conclusions to be drawn from them.

This Alaskan Boundary Dispute was discussed by the Joint Commission of the two countries. No conclusion, it seems, was reached. The proceedings were secret. It was stated that the Commissioners had referred the question to their respective governments. This was all that, for some time, was disclosed to the public; but no sooner was the statement bruited abroad that the matter was being discussed by Lord Salisbury and Mr. Choate, than telegraphic despatches were sent from Washington to the New York journals, and thence to the London newspapers, in which the Canadian members of the Commission, and the Canadian Government, were described as men who were ill-informed, obstinate, greedy, refusing to agree to an arbitration in respect of the disputed boundary without first obtaining from the United States Commissioners or Government, a cession of territory, to which they could, in reason, make no claim. and which undoubtedly belonged to your country. Every one who has read

the protocol on this part of the negotiations, which I understand was published to prevent the persistent repetition of these misrepresentations, now knows how unfounded they were. The attempt was made to prejudice the case of this country, by mis-stating its position. It was announced by the New York and Washington correspondents of London newspapers, that the Commissioners of the United States desired arbitration, and that the Canadian members of the Commission stood in the way. This mis-statement was, for a time, daily repeated. It was published in the English and Canadian newspapers, as well as in those of the United States. The attitude of the respective parties was carefully concealed, and the impression sought to be made, and for a time not without success, that the demands of the Canadian Commissioners were most unreasonable. It was not until the protocols upon the subject were published in England, and in this country, that the public became aware of the gross injustice that was being done us. When the publication was made, it was seen that we were willing either to arbitrate or to compromise. Our representatives had offered to accept a compromise which would permit us to retain so much of the disputed country as would afford us a means of access to our own possession in the interior. Our geographical position is such, that the disputed territory is of immensely greater consequence to us, than to you.

It is well to bear in mind that two controversies have arisen between you and us in respect to the possessions which you acquired from Russia upon our northwestern border. In one, you claimed that that part of the Pacific Ocean known in recent years as Behring Sea, and which borders upon the Aleutian

Islands which Russia ceded to you, along with her possessions upon this continent, was a part of your acquisition, and so the fur-bearing seals found in its waters were your exclusive property. Sometimes you contended that it was a *mare clausum;* sometimes you said this was not your contention, but you claimed to exercise upon the high seas, in time of peace, rights which belong to a state only in time of war, and you contended that people, in the pursuit of a legitimate vocation upon the high seas, were guilty of a crime only a little less atrocious than piracy; and so the killing of seals in the Pacific Ocean, by Canadian seal hunters, was claimed to be the destruction of wild animals that were the property of the United States.

We find it difficult to understand how any public man could have persuaded himself that there was any merit in this contention. The Municipal Law of the United States can have no force outside of the territories of the Republic, except upon board a ship sailing under the United States flag. The courts of the United States have held that a man standing on board a United States ship, and shooting a man in a boat at the Society Islands, was not amenable to the laws of the United States, as the murder which he committed was beyond the jurisdiction of the Republic. I dare say that this was, in strict law, a proper decision; but how, then, could a Canadian on board a Canadian vessel, under the British flag, upon the high seas, be amenable to the Municipal Law of the United States? Your government assumed that they were. It authorized the seizure of Canadian vessels upon the high seas, under the authority of your Municipal Law, to which they owed no subjection, and where International Law alone prevails. These

vessels were confiscated. The men on board were imprisoned, and when they were discharged, it was far away from home, and without the means necessary to enable them to return. We felt that the action of your Government was a violent encroachment upon the municipal rights of Canadians, that were wrongfully subjected to your authority. It was a violation of these settled principles of International Law for which, on many occasions, the United States had conspicuously contended. It was also at variance with the contention of the United States, in her controversy with Russia, between 1821 and 1824, in respect to an exclusive sovereignty, over the same waters. The contention of your Government, we thought wholly untenable. We thought the principles of Public Law applicable to the case, were too clear to admit of controversy. I do not know of any foreign jurist who took your side. Yet unreasonable as were thought your pretensions, they went to arbitration. Erroneous as we thought the doctrine set up by Mr. Blaine and others to be, we did not refuse to arbitrate. The question went to an International Tribunal that was certainly not biassed in our favour, and our contention, in that matter, was upheld. Why, then, should the Government of the United States, in this second branch of the controversy, hesitate to refer the question, since we cannot agree to compromise, to a tribunal of like character?

It may be that the Government of the United States has persuaded itself that our position is untenable; that the boundary line ought not to be placed where we say, that under the Convention of St. Petersburg, it should be drawn. But the United States, like ourselves, is an interested party, and its Government ought not, either wholly, or in part

undertake to decide the question in dispute, before the reference is made, nor refuse to have the contention put forward by us and by them, submitted to a competent and impartial tribunal, for adjudication.

If, in the opinion of your Government, your contention is well founded, and if they believe it best comports with the terms of the Convention of 1825, it will be enabled to establish that fact before an International Tribunal, and if such a tribunal agrees with your contention, we must bow to its decision; but should it be found that our contention is well founded, the Government of the United States ought to be equally ready to acquiesce. There is neither reason nor justice, in suggesting a reference of a matter, upon which we cannot agree to a tribunal, that is not permitted to consider the whole question, and to locate the boundary in conformity with the terms of the Convention of 1825.

As I understand the protocols upon this subject, they show that we contend that the boundary line, as set out in the convention, crosses the Lynn Inlet not far from the ocean, being drawn from the crest of the mountains on one side, to the crest of the mountains on the opposite side. The Government of the United States dissents from this view and maintains the boundary passes round the head of the inlet. Now what efforts do the protocols show, were made to reach a solution? We were of opinion that there were two ways in which this difference might be amicably adjusted—by a compromise, or by reference to a properly constituted tribunal. We offered to compromise. We contended that Dyea and Skagway are built in Canadian territory. They are the natural seaports from which sea access, at the present time, can be had into our Yukon country,

where we have a mining population of 30,000. The possession of the inlet is of great consequence to us. It is of little importance to you. As a compromise we offered to leave Dyea and Skagway in your possession, if you assented to our retaining Pyramid Harbour, which would afford to us a highway into the interior, through our own country. This compromise would have left you the greater portion of the territory, at this point, in dispute. It would have made the Lynn Inlet a common water. This proposal your representatives declined. The proposal was then made to you, to refer the question to arbitration, in order to ascertain the boundary fixed by the convention, and this also you have declined. Why? There would seem to be but one answer—because you are in possession of territory that is rightfully ours. If under the Convention of St. Petersburg you think you can rightfully claim Lynn Inlet, why should not the matter have gone to arbitration?

It is said that this disputed boundary should be dealt with on principles recognized by diplomatists, and not on those which govern the actions of Attorneys. I admit it. We did so proceed, when we offered to compromise this dispute, and leave Dyea and Skagway in your possession. We did so, when we offered to ascertain the legal boundary, by a properly constituted independent tribunal. We did so, when we offered to qualify our extreme right, by the rule adopted, in the Venezuela arbitration. This statement of facts is our answer to the charge of obstinacy. Our obstinacy consists in this, that we object to the surrender of everything that is in controversy between us. Since you have been good enough to ask me my opinion upon the subject, let me ask your readers to carefully compare these offered concessions on our

part with the concessions which your Government is willing to make. What was it? Nothing beyond this, that they would grant to us the liberty to build a highway in a territory behind the coast range of mountains, beyond which under the convention you have no right to go, upon condition, that we admitted, that the harbour from which we started, and the country through which our road ran, was under the sovereignty of the United States. I ask your people to compare the two concessions, and let them candidly say, which of us is most open to the charge of being unreasonably obstinate. We are most desirous of a fair settlement. The people of the United States are our neighbours, and we are theirs. It is to the advantage of both countries that a feeling of friendship and mutual good-will should prevail amongst the people of each towards the other, but this most desirable object is not promoted by one country appropriating to itself the territory which rightfully belongs to the other.

I have referred to the question of boundary at the Lynn Inlet, which is the place most prominently brought forward in the controversy, but in order to understand the treaty, and the proper location of the limitary line, separating the American territory acquired from Russia from this country, it is necessary to give some attention to the historical circumstances out of which that treaty grew. Before the treaty was negotiated between Great Britain and Russia, disputes had arisen between the Government of the United Kingdom and the Emperor of Russia in regard to the extent of their respective possessions upon the north-west coast of this continent. The Russians had visited the country. They had explored the coast at least as far south as the 54th degree of

north latitude. They had established fishing and trading stations upon the coast. The Canadian traders who had been organized into a Fur Trading Company, known as the Northwest Trading Company, had also explored the country. Their explorations began as early as 1762, and continued until 1820. There were the two Frobishers, the two Henrys, Sir Alexander Mackenzie, Fraser, McLeod and others. Their exploration extended from the Arctic Ocean to the Gulf of California. They had established numerous trading posts within the Pacific slope. At the beginning of this century, they had beyond the mountains, at least 700 agents in their employ. It was upon their explorations and discoveries, that the British Government relied for the maintenance of its title to the country. It is a well recognized rule of English law, that a British subject carries with him, into a derelict country, both the laws of his country, and the sovereignty of his King.

When the question of boundary came to be discussed between the representatives of the Emperor of Russia and the King of England, there was not much difficulty in arriving at an agreement, because the Russians had visited the coast for the purpose of fishing and of trading with the Indians found there. They had no desire to undertake the extension of their dominions into the interior. They had at the time no resources in the country for the purpose. The English by the treaty were left in possession of nearly the whole country. Russia was confined to a narrow fringe upon the shore.

Before this treaty was made, the United States had acquired north of the 42nd degree of latitude, whatever rights Spain possessed upon the coast. Between the United States and Great Britain a con-

vention had been entered into which established a *modus vivendi* between them, by which each bound itself not to interfere with the settlements of the other; but the question as to their territorial rights, under the convention, was left untouched.

In 1824, the United States made a treaty with Russia, which is modelled on the plan of the one which had previously been entered into by the United Kingdom and the United States. This convention, between the United States and Russia did not undertake to define any territorial limits as an assertion of territorial sovereignty. By Article I., the citizens and subjects of the high contracting parties agreed that neither will disturb or restrain the other in navigating or fishing in these waters, or in the liberty of resorting to the coast to trade with the natives. But where any part of the coast is in actual occupation of the one, resort shall not be had to it by the other, for the purpose of trading with the natives.

By Article II. non-intercourse by the one, with the settlements of the other, is mutually agreed upon, except by the permission of the Governor or Commandant of the place. The United States agreed that they will form no settlement north of 54 degrees 40 minutes of north latitude. And Russia agrees to form no settlement south of that parallel. They further agreed, that for a period of ten years, the ships of both powers, and the ships which belong to the citizens and subjects of each, may without hindrance, frequent the interior seas, gulfs, harbours and creeks upon the coast mentioned in the preceding article. Here there was no division of territory between the parties. There was a *modus vivendi* provided by which the United States agreed not to exclude

Russian vessels from the interior seas, gulfs, &c., south of 54 degrees and 40 minutes, and Russia agreed not to exclude the United States vessels from like waters north of that parallel The United States Government knew at the time this convention was made, that the Government of Great Britain was claiming sovereignty upon the same coast ; and so that the United States could not well recognize any rights of Russia to the sovereignty of the country.

In the correspondence which took place between the Governments of the United States and Russia, the United States did not concede the pretensions which Russia set up. Mr. Adams, in a despatch to the American Minister, Mr. Middleton, in July, 1883, says :—

"From the tenor of the ukase of the 14th September, 1821, the pretensions of the Imperial Government extend to an exclusive territorial jurisdiction from 45 degrees of north latitude on the Asiatic coast to 51 degrees north latitude on the western coast of the American continent ; and they assume the right of interdicting the navigation and fishing of all other nations to the extent of one hundred miles from the whole of that coast. The United States can admit no part of those claims. Their right of navigation and of fishing is perfect, and has been in constant exercise from the earliest times after the peace of 1783 throughout the whole extent of the southern ocean, subject only, to the ordinary exceptions and exclusions of the territorial jurisdiction which so far as Russian rights are concerned, are confined to certain islands north of the 35th degree of latitude and have no existence on the continent of America."

There is nothing in the treaty of 1824 inconsistent with the contention which Mr. Adams put forward in this communication, and so we find Mr. Adams, in his letter of instructions to Mr. Middleton, takes the ground that the exclusive right of Spain to any portion of the American continent, had been terminated by the successful revolution of her colonists, and by her treaty stipulations with the United States. Mr. Adams practically maintained that the entire continent of America was closed against any European power, that North America consisted of the colonial possessions of the United Kingdom, and of independent republics, and so there was no further room for acquisition, and he argues that the necessary consequence of this state of things, is that the American continents henceforth will no longer be open to colonization.

A few months later, the celebrated message of President Monroe, set out two propositions, the one against the attempt of the Holy Alliance to interfere with the independence of the Spanish American States, and the other declaring that no part of the American continent is to be considered as subject to future acquisition for colonization by any European power. It is clear, that this second proposition was intended as a denial of the rights of Russia to acquire territory on the continent of North America. Mr. Adams conceded that Russia had possession of certain islands, but he denied altogether that she had any right to territory upon the continent—upon the main land. Mr. Adams was conversant with the explorations of Mackenzie and others associated with the North-west Company, and his position was, that the territories which did not belonge to the United States by virtue of her treaty with Spain, and by

the explorations of Lewis and Clarke, were under the jurisdiction of Great Britain, and so the treaty of 1824 with Russia was not one for the mutual recognition of territorial sovereignty on the part of either party.

These facts are important to bear in mind in the interpretation of the Treaty which was subsequently negotiated and ratified between His Britannic Majesty, and the Emperor of Russia. There is this marked difference between the convention entered into between Great Britain and Russia in February 1825, and the convention of the previous year between the United States and the Emperor of Russia; the convention between His Britannic Majesty and the Emperor, was a convention settling a boundary between territories admittedly belonging to Great Britain and territories to which it was conceded that Russia had valid claim; that is, the part of the continent north of 54 degrees 40 minutes of north latitude. The territories south of 54 degrees 40 minutes north latitude were territories that were still in controversy between Great Britain and the United States.

The first Article of this convention declares, wholly contrary to the action and contention of the government of the United States in reference to the Behring Sea, that the subjects of the High Contracting parties shall not be troubled or molested in any part of the ocean, commonly called the Pacific Ocean, either in navigating the same, in fishing therein, or in landing on the coast in parts not already occupied, to trade with the natives.

Article II provides that in order to prevent the *right* of navigating and fishing exercised upon the ocean by the subjects of the High Contracting parties

from becoming a pretext for illicit commerce, they mutually agree that subjects of His Britannic Majesty shall not land at any place where there is a Russian establishment, without the permission of the Governor or Commandant, and that Russian subjects shall not land without permission at any British establishment on the north-west coast.

Under these articles, the freedom of navigation is recognized. Article III and IV provide for the demarcation of the boundary which is to separate the territories of the one, from the territories of the other. Let me read to you those articles in precise terms :—

" Article III.—The line of demarcation between the possessions of the High Contracting parties, upon the coast of the continent, and the islands of America to the north-west shall be drawn in the manner following :—Commencing from the southernmost point of the island called the Prince of Wales Island, which point lies in the parallel of 50 degrees 40 minutes north latitude, and between the 131st and the 133rd degree of west longitude (Meridian of Greenwich) the said line shall ascend to the north along the channel called Portland Channel as far as the point of the continent where it strikes 56th degree of north latitude ; from this last mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude of the said meridian ; and finally from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British possessions on the continent of America on the north-west.

"Article IV.—With reference to the line of demarcation laid down in the preceding article it is understood :

"1st. That the island called Prince of Wales Island shall belong wholly to Russia.

"2nd. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the coast and which shall never exceed the distance of ten marine leagues therefrom."

It will be seen that the starting point is the southernmost point of the Island called Prince of Wales Island, which lies in 54 degrees 40 minutes north latitude and that this line is to ascend north. From whence? Why from the starting point—the southernmost point of Prince of Wales Island. It is perfectly true that the boundary is to ascend north along the channel called Portland Channel, but it cannot ascend north along the channel called Portland Channel by commencing at the southernmost point of Prince of Wales Island, the place of beginning, a line more than one hundred miles in length running due east, must be drawn from the southern end of Prince of Wales Island before Portland Channel can be reached. The first question then to be considered is, whether the description of the direction of the latitude and longitude of the line is to yield to the use of the words "Portland Channel," or whether the name "Portland Channel" must be

subordinated to the direction and description contained in these articles. If Clarence Channel, which lies immediately east of Prince of Wales Island is taken, there is an exact conformity to the description. You may ascend north from the southernmost point of Prince of Wales Island along Clarence Channel, but you cannot ascend north from the southernmost point of Prince of Wales Island along Portland Channel. You can ascend to a point on Clarence Channel as far as the point on the continent where it strikes the 56th degree of latitude. You cannot ascend Portland Channel to a point on the continent where it strikes the 56th degree of north latitude, because Portland Channel does not reach that far north. The difference between drawing the boundary from Portland Channel and from Clarence Channel is this—the boundary upon the mainland commences where the 56th degree of north latitude cuts the shore in the one instance, and in the other it commences at a point at the head of Portland Channel which falls short of the place designated as the place of beginning.

By Article IV, the line is to be drawn so as to leave the whole of Prince of Wales Island to Russia. If a due east line is to be drawn from the southernmost point of the island to the entrance at Portland Channel, these words "leaving the whole of Prince of Wales Island to Russia" are surplusage, because a due east line would not only leave the whole of the Prince of Wales Island to Russia, but would leave several other large islands, of which no mention is made, lying between this island and the mainland. If Clarence Channel is taken, there is an obvious reason for providing in the treaty, the words, that the whole of the Prince of Wales Island shall be left

to Russia, because a line ascending from the southern most point north, would cut off the southeastern portion of the island, but these words have no proper place in the treaty if the line starting from the southernmost point of Prince of Wales Island is to be extended eastward to the entrance of Portland Channel, as it would not be a line "ascending north" from the southernmost point of Prince of Wales Island. It will be observed that this qualification found in Article IV of the description given of the limitary line in Article III is unaccountable, if a line is first to be drawn eastward from the Prince of Wales Island to the entrance to Portland Channel. Why should this portion of the description have been omitted altogether? It is, I think, clear from the wording of the treaty, that the use of the words "Portland Channel" cannot refer to the body of water commonly so designated, and the whole of this part of the description of the boundary is inapplicable.

Let any intelligent reader with a map before him, undertake to draw the line from the description which the treaty furnishes. If he begins at the southernmost point of Prince of Wales Island, which lies in 54 degrees, 40 minutes of north latitude, he cannot from that point ascend to the north along Portland Channel. The name of the channel through which the line is drawn are words subordinate to the direction, description and relation of the line so drawn to the starting point, which determines, in my opinion, through what waters the line is to so ascend that the whole of the Prince of Wales Island is to remain in Russia. It is assumed in the words of description, found in the treaty, that the line that ascends to the north along the channel, can do so as far as to the point of the continent where it strikes

the 56th degree of north latitude. This is a point, upon the shore, in which the boundary upon the mainland is to begin, and so the words are wholly inapplicable to Portland Channel, as it falls short, by several miles, of extending to that degree of latitude. The channel which lies immediately east of Prince of Wales Island, and through which the descriptive words of the treaty requires the boundary to be drawn does so extend, so that the geographical conditions fit in with the description in the one case, and do not in the other.

By the third article the line of demarcation is to follow the summit of the mountains, situated parallel to the coast as far as the intersection of the 141st degree of west longitude; and the fourth article provides that whenever the summit of the mountains, which extend in a direction parallel to the coast from the 56th degree of north latitude, shall prove to be at the distance of more than ten marine leagues from the coast, the limit between the British possessions and the line of coast which is to belong to Russia shall be formed by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom.

It is too clear to require argument that the limitary line was to follow the coast range and the summit of that coast range, whether high or low was to be the boundary, when it was not more than ten leagues from the coast. In many places inlets extend through canyons through the mountains, and so much of each of those inlets as would be cut off, by a line drawn from the summit of the mountain upon the one side, to the summit of the mountain upon the other, is Canadian territory. The line cannot be removed urther inland, because there may be a gap in the

mountains into which an arm of the sea extends. The coast range approaches these inlets on each side, in most cases, near the waters of the ocean. When you pass the Lynn Inlet, it will be found that the coast range embraces peaks from 10,000 to 18,000 feet high, and it does seem to me preposterous to contend that the provisions of the treaty can be applied by drawing a line in the rear of those mountains, as certainly would be done, if the boundary passed around the head of Lynn Inlet.

It is, I think, manifest that the framers of the treaty assumed, that harbours, inlets, and arms of the sea, would be found, when the boundary was drawn, within British territory, and certain provisions of the treaty were entered into upon this assumption.

Article VI provides that the subjects of Her Britannic Majesty from whatever quarter they may arrive, whether from the ocean, or from the interior of the continent, shall, for ever enjoy the right of navigation freely, and without any hindrance whatever, all the rivers and streams, which in their course towards the Pacific Ocean, may cross the line of demarcation on the line of the coast. As some of those rivers flow into Behring Sea, it is perfectly obvious, that the contracting parties assumed that the navigation of that sea was open to British vessels

By Article VII for a period of ten years, the vessels of the two powers, and of their subjects respectively shall mutually be at liberty to frequent all the inland seas, the gulfs, havens and creeks on the coast mentioned in Article III. The coast mentioned in Article III is not the entire coast of the continent, but the coast north of 54 degrees 40 minutes.

By Article X every British or Russian vessel navigating the Pacific Ocean, which may be compelled by storms or by accident to take shelter in the ports of the respective parties shall be at liberty to refit therein, to provide itself with all necessary stores and to put to sea again without paying any other than port and lighthouse dues, which shall be the same as those paid by national vessels.

This is not a temporary arrangement but a permanent one which each party has within the ports of the other.

It has been contended by some of the United States press, that the waters belonging to Great Britain herein referred to, are those that lie south of the 54th degree 40 minutes of north latitude, but this is not so. Those territories were in dispute between Great Britain and the United States, and with reference to them no compact was entered into in the treaty between Russia and Great Britain. What is entered into is the establishment of a boundary north of 54 degrees 40 minutes, and it is with reference to this boundary, separating the territories of Russia from the territories of His Britannic Majesty, that all the provisions of the treaty referred,—Russia made no claim, in this treaty, to any territories further south. She set up no pretensions to any privileges further south; what was being settled was the dispute between Great Britain and Russia in respect to sovereign rights north of 54 degrees 40 minutes north latitude. The subjects of Great Britain were without any hindrance whatever to have liberty of navigating freely all the rivers and streams which in their course towards the Pacific Ocean may cross the boundary line, the line of demarcation, as set out in

Article III of the convention. These rivers and navigable routes were not rivers south of 54 degrees 40 minutes north latitude, but rivers north of that latitude—rivers that flowed from British territory through the Russian territory upon the coast. All the provisions of the treaty relating to fishing and to navigation have reference to the territories and waters which were the subject of the treaty, and so it is wholly beside the question to refer to the convention between the United States and Russia of the previous year. It is as plain as anything can well be, that the contracting parties assumed that when the separating line came to be drawn, under the treaty, that there would be, in some places, harbours and inlets remaining on the British side of this boundary line, and Russia stipulated for the right of Russian navigators to use them, and for her ships to take refuge in them, as she had conceded a like right to the subjects of His Britannic Majesty. These would, indeed, be strange treaty stipulations, if upon the whole length of this boundary, from the 56th degree of latitude to Mount St. Elias, it never crossed an inlet, and at no point touched the sea. This is, in my opinion, a conclusion which no one who will candidly examine the treaty, can reach, and I ask a fair consideration of our side of the dispute by the people of the United States, to whom justice is far more important than success.